

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0247

STATE v. VANDERMEULEN

Appellate Case Information

Case Filed: 21-Apr-2015

Case Closed: 11-Jan-2016

Reinstated x 1: 2-Mar-2016 Dismissal

Re-Closed:

Dept/Composition

Side 1. In the Matter of:

1998 MERCEDES

VIN: WDBJF65F3WA601892 _____

STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

• State of Arizona

Attorneys for: Appellee

Gary L Shupe, Esq. (AZ Bar No. 18619)

Side 2. CARY VANDERMEULEN,

Claimant/, Appellant

(Litigant Group) CARY VANDERMEULEN

• Cary VanDerMeulen

PRO SE

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-056514	Notice of Pending Forfeiture		Thomas L LeClaire, Authoring Judge of Order		

OPEN DUE DATE

Answering Brief due

Due By: Wednesday, February 8, 2017

Re: * FILED: Untitled (re: attachment #6 re: opening brief); Untitled (attachment #7 re: opening brief); Brief of Case Heard Before the Superior Court Being Appealed; Reporter's Transcript - 02/24/2015 - Bench Trial (Kimberly Perry-Schneider) (Appellant Pro P

[1 extension]

CASE DECISION

03-Dec-2015 ORDER

Vacated

ORDERED: dismissing this appeal for lack of jurisdiction. Nothing in this order precludes appellant from filing a timely notice of appeal after superior court enters a final appealable order.

Filed: 03-Dec-2015

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

48 PROCEEDING ENTRIES

- 21-Apr-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/23/15
Docketing Statement filed in Superior Court: 3/30/15
- 21-Apr-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits - not sent at this time
- 1-May-2015 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Opening Brief due 6/30/15. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order to appellant personally. Ruth Willingham - Author
- 14-May-2015 RECEIPT No.: 2015-00655 ; \$56.00, Check Number: #500747074, Applied to: CARY VANDERMEULEN - Class A Filing Fee (\$56.00) Paid for: - By Arizona State Department of Corrections (Memo: Partial Payment)
- 1-Jun-2015 FILED: Motion to Compel/Stay of Proceedings (Appellant Pro Per)

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6. 8-Jun-2015 ORDERED: staying appeal to/including 7/24/15 and revesting jurisdiction to Maricopa Superior Court to consider application for a signed judgment re: Rule 54(C). FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment w/in 10 days after entry. Appeal will be reinstated w/o further action by this court. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay or appeal will be dismissed. FURTHER ORDERED: If signed judgment has been filed, opening brief shall be due on 8/24/15. FURTHER ORDERED: Denying appellant's motion to compel. Melina Brill ProTem Judge - Author
7. 22-Jul-2015 FILED: Motion to Continue Stay (Appellant Pro Per)
8. 24-Jul-2015 ORDERED: Motion to Continue Stay (Appellant Pro Per) = GRANTED/continuing stay to/including 9/8/15. Appeal will be reinstated on 9/9/15 unless before that date appellant files motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: opening brief due on/before 10/9/15. Barbara Vidal Vaught ProTem Judge - Author
9. 15-Sep-2015 FILED: Motion to Continue Stay (Appellant Pro Per)
10. 17-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry dated 8/28/15, filed 9/2/15 re: entering judgment based on Judge LeClaire's ruling after trial)
11. 18-Sep-2015 ORDERED: Motion to Continue Stay (Appellant Pro Per) = GRANTED/continuing stay of this appeal to/including 10/19/15 for purposes set forth in this court's 6/8/15 order. Appeal will be automatically reinstated on 10/20/15 unless before that date appellant files a request to continue stay. FURTHER ORDERED: Opening brief shall be due on 11/19/15. Melina Brill ProTem Judge - Author
12. 15-Oct-2015 FILED: Motion to Continue Stay (Appellant Pro Per)
13. 20-Oct-2015 ORDERED: Motion to Continue Stay (Appellant Pro Per) = GRANTED and continuing stay of this appeal to/including 11/19/15 for purposes set forth in court's 6/8/15 order. Appeal will be automatically reinstated on 11/20/15, unless appellant files a request to continue stay of appeal. If appellant does not file a request to continue stay and superior court has not entered a judgment w/ certification of finality pursuant to Rule 54(c), appeal may be dismissed. FURTHER ORDERED: If signed judgment w/ Rule 54 (c) language has been entered, opening brief shall be due on 12/21/15. Melina Brill ProTem Judge - Author
14. 30-Oct-2015 FILED: Returned US Mail, Order Re: Continuing Stay dated 10/20/2015, addressed to Cary VanDerMeulen, Undeliverable
15. 30-Nov-2015 FILED: Petition for Writ of Error (Coram Nobis) (Appellant Pro Per)
16. 3-Dec-2015 ORDERED: dismissing this appeal for lack of jurisdiction. Nothing in this order precludes appellant from filing a timely notice of appeal after superior court enters a final appealable order. Melina Brill ProTem Judge - Author (vacated per order filed on 3/2/16)
17. 15-Dec-2015 FILED: Returned US Mail, Order re: Petition for Writ/Dismissing Appeal dated 12/3/15, addressed to Cary VanDerMeulen, Return to Sender - Undeliverable
18. 11-Jan-2016 FILED: Letter, 1/11/16, Certified Copy of Order dismissing appeal. No records to be returned to clerk, Maricopa County Superior Court
19. 5-Feb-2016 RECEIPT No.: 2016-00166 ; \$224.00, Check Number: 7498803, Applied to: CARY VANDERMEULEN - Class A Filing Fee (\$224.00) Paid for: CARY VANDERMEULEN - By Department of Corrections
20. 10-Feb-2016 FILED: Motion for Reinstatement of Appeal (Appellant Pro Per)
21. 2-Mar-2016 ORDERED: Motion for Reinstatement of Appeal (Appellant Pro Per) = GRANTED and reinstating appeal. FURTHER ORDERED: Opening brief shall be filed on/before 4/1/16. Barbara Vidal Vaught ProTem Judge - Author
22. 4-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes a final order filed 2/18/16 with the Rule 54(c) language)
23. 7-Mar-2016 FILED: Additional Record Filed:
Exhibits: HD 2/24/15 - List and # 3 36 37 in manila envelope.
24. 24-Mar-2016 FILED: Motion for Writ of Review and Production of Court Records (Appellant Pro Per)
25. 24-Mar-2016 FILED: Certificate of Mailing re: Motion for Writ of Review and Production of Court Records

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26. 28-Mar-2016 ORDERED: Motion for Writ of Review and Production of Court Records (Appellant Pro Per) = DENIED. FURTHER ORDERED: Staying appeal to/including 5/12/16 and re-vesting jurisdiction in superior court to consider appellant's 3/23/15 application for deferral or waiver of costs for preparing transcripts on appeal. FURTHER ORDERED: on 5/13/16, appeal shall be automatically reinstated, unless before that date appellant files a motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: within 10 days after superior court rules on motion, appellant shall file notice with this court with ruling attached. FURTHER ORDERED: opening brief due on 6/13/16. Barbara Vidal Vaught ProTem Judge - Author
27. 11-May-2016 FILED: Motion for Continuance of Stay (Appellant Pro Per)
28. 16-May-2016 FILED: Letter, 5/16/16, to Appellant, from Court re: document titled 'Motion for Continuance of Stay' was filed but non-compliant; allowing 5 days from date of this letter to file Certificate of Service
29. 16-May-2016 ORDERED: Motion for Continuance of Stay (Appellant Pro Per) = DENIED. FURTHER ORDERED: Opening Brief due 06/13/2016. Melina Brill ProTem Judge - Author
30. 26-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record [including Order regarding deferral or waiver of court fees and costs filed 5/12/16)
31. 8-Jun-2016 FILED: Motion for Proper Judicial Process (Appellant Pro Per)
32. 10-Jun-2016 ORDERED: Motion for Proper Judicial Process (Appellant Pro Per) = GRANTED in part. FURTHER ORDERED: Staying appeal to/including 07/25/2016, and re-vesting jurisdiction in Superior Court of Maricopa County for purpose of permitting court to consider appellant's 06/03/2016 motion. FURTHER ORDERED: Superior Court is authorized and directed to rule on motion. FURTHER ORDERED: Appeal shall be reinstated on 07/26/2016, unless appellant files a motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: Appellant must file a notice within 10 days after superior court rules on motion. FURTHER ORDERED: Opening Brief due 08/25/2016. Melina Brill ProTem Judge - Author
33. 25-Jul-2016 FILED: Motion for Continuance of Stay (Appellant Pro Per)
34. 26-Jul-2016 ORDERED: Motion for Continuance of Stay (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
35. 1-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
36. 24-Aug-2016 FILED: Motion for Continuance of Stay (Appellant Pro Per)
37. 26-Aug-2016 ORDERED: Motion for Continuance of Stay (Appellant Pro Per) = GRANTED. Extending time for filing opening brief to/including 10/24/2016. Melina Brill ProTem Judge - Author
38. 26-Oct-2016 FILED: Motion to Extend Time for Filing of Opening Brief (Appellant Pro Per)
39. 28-Oct-2016 ORDERED: Motion to Extend Time for Filing of Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 10-24-2016 to Wednesday, 11-23-2016. Melina Brill ProTem Judge - Author
40. 23-Nov-2016 FILED: Untitled (attachment #2 re: opening brief) (Appellant Pro Per)
41. 23-Nov-2016 FILED: Untitled (attachment #4 re: opening brief) (Appellant Pro Per)
42. 23-Nov-2016 FILED: Untitled (attachment #5 re: opening brief) (Appellant Pro Per)
43. 23-Nov-2016 FILED: Untitled (re: attachment #6 re: opening brief); Untitled (attachment #7 re: opening brief); Brief of Case Heard Before the Superior Court Being Appealed; Reporter's Transcript - 02/24/2015 - Bench Trial (Kimberly Perry-Schneider) (Appellant Pro Per)
44. 23-Nov-2016 FILED: Exhibit #1 (attachment #1 re: opening brief) (Appellant Pro Per)
45. 23-Nov-2016 FILED: Untitled (attachment #3 re: opening brief) (Appellant Pro Per)
46. 24-Nov-2016 FILED: Untitled (attachment #3 re: opening brief) (duplicate) (Appellant Pro Per)
47. 6-Jan-2017 FILED: Motion for Procedural Order; Certificate of Service (Appellee)
48. 10-Jan-2017 ORDERED: Motion for Procedural Order (Appellee) = GRANTED. Answering Brief due date EXTENDED from Monday, 01-09-2017 to Wednesday, 02-08-2017. Melina Brill ProTem Judge - Author